

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the August 12, 2003 Office  
5 Action.

As explained above, claims 1-19 are original and pending. Claims 7 and 11 are currently amended to correct an omission (claim 7) and a typographical error (claim 11).

10 Claim Rejections under 35 USC §103

In the pending Office Action, the Office rejected claims 1-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,205,929 to Langford et al. in view of U.S. Patent No. 5,790,794 to DuLac et al.

Claims 1-19 include independent method claim 1 with dependent claims  
15 2-6; independent system claim 7 with dependent claims 8-13; and independent computer readable medium claim 14 with dependent claims 15-19.

According to the MPEP §2142:

20 To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference  
25 (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both

be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

MPEP §2142

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For at least the reasons presented below, Applicant respectfully submits that pending claims 1-19 are patentable over the Langford reference and the DuLac reference.

10 Claims 1-6

Applicant respectfully submits that the Office has not presented evidence sufficient to make a prima facie case of obviousness under §103. In particular, the Langford reference and the DuLac reference fail to disclose, teach or suggest all of the subject matter of claim 1. Even assuming arguendo that the  
15 two references did disclose, teach or suggest all of the subject matter of claim 1, there is no evidence that one of ordinary skill in the art would have a reasonable expectation of success in arriving at the subject matter of claim 1.

Independent method claim 1 recites in relevant part: *rendering . . . such that playback of said first clip and said second clip appears seamless*. Further  
20 according to claim 1, the media data is *stored over a data network* wherein the *first clip is stored within a first source* and the *second clip is stored within a second source*. In traversing the §103 rejection of claim 1, Applicant asserts that neither the Langford reference nor the DuLac reference disclose, teach or suggest the *rendering* of claim 1.

The Langford reference pertains to a "post production offline editing system" (Abstract). For example, Figure 1 of the Langford reference shows an "Editors First Cut Sequence" composed of segments A through H from five films or tapes. Figures 2, 4 and 5 of the Langford reference indicate explicitly that the system is an "off-line edit system": "Off-line Edit System" (Figure 2) and "Off-line Workstation" (Figures 4 and 5). A goal of the Langford reference's off-line edit system appears to be generating an edit list in the form of a computer file (Langford at col. 4, line 65-68). While the Langford reference discloses a "review modify module . . . to view a show defined by an already-generated edit list (i.e., to cause the video tape players to simulate the show by sequentially playing back the edits on the edit list)", this module relies on more than one video tape player (i.e., video tape players 50) and a "video switcher" (i.e., the video switcher 46). As such, the Langford reference does not disclose, teach or suggest the *rendering* of claim 1.

The DuLac reference discloses "video storage unit architecture" (Title). The DuLac reference does not disclose, teach or suggest the *rendering* of claim 1. The DuLac reference focuses on architecture wherein a "video stream manager" receives errors and sets commands. For example, "at the end of a video, an end-of-file error is sent back to the video stream manager 202, which results in the video stream manager setting a command complete flag and returning the operation to video command handler 200 for disposition". (DuLac at col. 8, lines 60-63). As such, the DuLac reference does not disclose, teach

or suggest the *rendering* of claim 1 (e.g., rendering a first frame of a second clip from a second source after a last frame of a first clip from a first source).

Applicant further submits that one of ordinary skill in the art would not be motivated to combine the Langford and the DuLac references to arrive at the subject matter of claim 1. The Langford reference discloses a post production editor while the DuLac reference discloses distribution architecture. In contrast, the subject matter of claim 1 pertains to a *method of playing media data stored over a data network* (preamble) wherein *playback of said first clip and said second clip appears seamless*. The Langford and DuLac references, alone or in combination, fail to disclose, teach or suggest rendering for seamless playback of two clips stored over a data network. Thus, Applicant asserts that one of ordinary skill in the art would not be motivated to combine the Langford reference's switching and the DuLac reference's single video distribution.

Even assuming *arguendo* that one did combine these items, Applicant fails to find any evidence supporting an expectation of success in arriving at the subject matter of claim 1. In particular, Applicant does not see how one of ordinary skill in the art would combine the switching of the Langford reference and the single video distribution of the DuLac reference to arrive at the subject matter of claim 1. Hence, for at least the foregoing reasons, Applicant submits that the subject matter of claim 1 is patentable over the Langford and the DuLac references.

In the pending Office Action, with respect to the Langford reference, the Office states "it is inherent in any video editing system . . . that the final video production will be a seamless combination of the first and second sets of frames". While this may be true, the Langford reference only discloses a system that includes a plurality of video tape players connected to a "video switcher" to achieve the Office's stated goal. Thus, Applicant fails to see how any of these teachings or suggestions is relevant to the patentability of claim 1, unless to show secondary considerations of non-obviousness of the subject matter of claim 1?

Dependent claims 2-6 depend on claim 1. For at least the foregoing reasons, Applicant submits that dependent claims 2-6 are also patentable over the Langford and the DuLac references.

#### Claims 7-13

Applicant respectfully submits that the Office has not presented evidence sufficient to make a prima facie case of obviousness under §103. In particular, the Langford reference and the DuLac reference fail to disclose, teach or suggest all of the subject matter of claim 7. Even assuming arguendo that the two references did disclose, teach or suggest all of the subject matter of claim 7, there is no evidence that one of ordinary skill in the art would have a reasonable expectation of success in arriving at the subject matter of claim 7.

Claim 7 pertains to a *system for playing media data stored over a data network* (preamble). In particular, claim 7 includes a client computer that renders frame data such that playback of a first clip and a second clip appears seamless. Applicant therefore relies on evidence and arguments presented  
5 above for claim 1. More specifically, Applicant submits that the evidence and arguments pertaining to patentability of claim 1 apply to patentability of claim 7. For at least these reasons, Applicant submits that claim 7 is patentable over the Langford and the DuLac references.

Applicant has amended claim 7 to correct for an omission of the word  
10 “stored” in the preamble. Applicant notes that the word “stored” appears in the preamble of independent claims 1 and 14. Thus, Applicant amends the preamble of claim 7 without prejudice and solely to correct a perceived inadvertent omission. Applicant knows of no intent on behalf of Applicant for why the word “stored” was omitted. Applicant submits that, to the best of its  
15 knowledge, the omission was inadvertent and without intent.

Dependent claims 8-13 depend on independent claim 7. For at least the foregoing reasons, Applicant submits that dependent claims 8-13 are also patentable over the Langford and the DuLac references.

Applicant currently amends claim 11 to correct a typographical error.  
20 The word “system” was misspelled and as shown above the amendment to claim 11 simple corrects this error.

Claims 14-19

Applicant respectfully submits that the Office has not presented evidence sufficient to make a prima facie case of obviousness under §103. In particular, the Langford reference and the DuLac reference fail to disclose, teach or  
5 suggest all of the subject matter of claim 14. Even assuming arguendo that the two references did disclose, teach or suggest all of the subject matter of claim 14, there is no evidence that one of ordinary skill in the art would have a reasonable expectation of success in arriving at the subject matter of claim 14.

Claim 14 pertains to a *computer readable medium . . . for causing a*  
10 *computer system to perform a step of playing media data stored across a data network* (preamble). In particular, claim 14 includes code for causing rendering of frame data such that playback of a first clip and a second clip appears seamless. Applicant therefore relies on evidence and arguments presented above for claim 1. More specifically, Applicant submits that the evidence and  
15 arguments pertaining to patentability of claim 1 apply to patentability of claim 14. For at least these reasons, Applicant submits that claim 14 is patentable over the Langford and the DuLac references.

Dependent claims 15-19 depend on independent claim 14. For at least the foregoing reasons, Applicant submits that dependent claims 15-19 are also  
20 patentable over the Langford and the DuLac references.

Conclusion

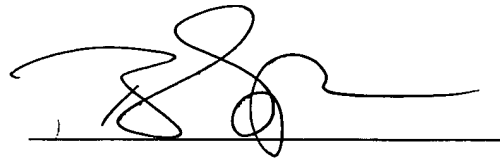
Pending claims 1-19 are original and pending and are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to  
5 contact the undersigned attorney to discuss the unresolved issue.

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